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UNITED STATES OF AMERICA : STIPULATION IN SUPPORT  
- v. - : OF APPLICATION FOR 7<sup>TH</sup> OR  
MELODIE MONTEFUSCO, : SUBSEQUENT ORDER OF  
: CONTINUANCE  
: Defendant. : 21 Mag. 4540  
: -----

The United States of America and the defendant jointly request and agree that the time period from 11/9/2022 to 12/7/2022 be excluded from the computation of the period within which an information or indictment must be filed, pursuant to Title 18, United States Code, Section 3161(b) and (h) (7).

As background, MELODIE MONTEFUSCO, the defendant, was charged with violations of 18 U.S.C. §§ 371, and 1952(a) (3) in a complaint dated April 27, 2021. The defendant was presented before Magistrate Judge Andrew E. Krause on April 27, 2021, and the defendant was released on the following conditions: \$14,000 secured bond and \$36,000 unsecured bond.

The parties submit that there is good cause for an additional exclusion of time because the defendant submitted a request for deferred prosecution. The Government and defense counsel have exchanged a number of issues and concerns with respect to the deferred prosecution agreement, originally submitted in November. The defendant is continuing to submit new information to the Government in light of the concerns raised. As part of that process, the Government met with the defendant on May 10, 2022. After that, the Government informed counsel that it was disinclined to grant a deferred prosecution agreement. Counsel had an in-person meeting with the Government's deferred prosecution appeals committee on August 31, 2022. On September 13, 2022, the committee denied the appeal and counsel was informed. On November 8, 2022, the Government transmitted a written offer to defendant's counsel. The parties expect to resolve this case in the next thirty days.

By the following signatures we agree and consent to the exclusion of time noted above:

James Neuman

Defendant's Counsel  
James Neuman, Esq.

November 8, 2022

Date

  
Assistant United States Attorney  
Shiva H. Logarajah

November 8, 2022

Date

The defendant states that she has been fully advised by counsel of her rights guaranteed under (a) of the Sixth Amendment to the Constitution; (b) the Speedy Trial Act of 1974, as set forth in Title 18, United States Code, Sections 3161-74; and (c) the plans and rules of this Court adopted pursuant to that Act. The defendant understands that she has a right to be charged by indictment or information, and to have a trial before a judge or jury, within a specified time (excluding certain time periods) under the Constitution and Rules and Laws of the United States identified above. The defendant consents and agrees to the above request.

Melodie Montefusco (by counsel)

Defendant  
MELODIE MONTEFUSCO

November 8, 2022

Date

I, James Neuman, have communicated with Ms. Montefusco about the request for an order of continuance. She consents to the order of continuance. I have advised her of her rights as set forth in this stipulation. Ms. Montefusco has approved my placing her electronic signature on this form. This is done due to concerns about COVID-19.

James Neuman

Defendant's Counsel  
James Neuman, Esq.

November 8, 2022

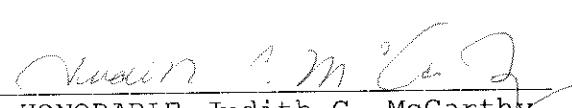
Date

The joint application of the United States of America and the defendant having been heard at a proceeding on the date below, the time period from November 9, 2022 to December 7, 2022, is hereby excluded in computing the time within which an indictment or information must be filed. The Court grants this continuance on the finding that the ends of justice outweigh the interests of the public and the defendant in a speedy trial, for the reasons set forth above.

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Dated: 11-9-2022  
White Plains, New York

SO ORDERED

  
THE HONORABLE Judith C. McCarthy  
United States Magistrate Judge